THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No. 19016 of 2000

Date: -10-2006.

Between :

T.Narasimha Swamy.

…..Petitioner

And

The Registrar (Administration), High Court of A.P. & another.

…..Respondents.

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

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ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

The petitioner was initially appointed as Reader on 07.05.1973 in the unit of District Judge, Khammam. Subsequently he was promoted as UDC in the year 1981. On further promotion, he became Head Clerk-cum-Deputy Nazir and was posted in Munsif Magistrate Court, Sathupalli, Khammam District on 15.04.1994. It is stated in the petition that the petitioner took the charge of Head Clerk-cum-Deputy Nazir from his predecessor Sri K.Chinna Ramaiah. The said Chinna Ramaiah handed over him only the administrative registers and he did not hand over him the complete charge such as case property items. No physical verification of the case properties was made inspite of repeated requests and directions to Sri Chinna Ramaiah and the said charge was

not given to him. The inaction on the part of Sri Chinna Ramaiah was also brought to the notice of the Presiding Officer Sri M.Anand. Sri Anand issued a memo to Sri Chinna Ramaiah to hand over the entire charge. Sri Chinna Ramaiah sent an application seeking 15 days time to hand over the charge.

While the matter was pending, an anonymous letter was received and seven charges were levelled against the petitioner and against one B.Sudhakara Rao, the then Munsif Magistrate, Sathupalli. Certain charges were framed and a show cause notice was issued to the petitioner on 13.06.1996. Thereafter, District Judge, Khammam appointed Sri B.Shivasankara Rao, Additional District Judge, Khammam as an enquiry officer. Inspite of the petitioner's repeated requests to the enquiry officer to issue notice to Sri Chinna Ramaiah, same was not done. Sri Chinna Ramaiah was working as Head Clerk. On 05.06.1997, the enquiry officer submitted his report and asked petitioner's explanation. On 10.03.1999, the District Judge, Khammam, dismissed the petitioner from service. On 31.01.2000, the Registrar (Administration), High Court of A.P., dismissed the administrative appeal.

The charges levelled against the petitioner are as under—

"Charge 1 : That the petitioner gave a report on 13-9-96 informing that a wooden

almirah had turned turtle and some of the liquor bottles fell down and broken. The Magistrate reported to the District Court that he suspected bonafides of the petitioner and as the petitioner did in a hasty manner and is liable for the shortage of case property.

Charge 2 : That the petitioner destroyed some of the items of I.D. liquor bottles, which are part of charge No.1 and there are no initials of the officer in respect of destruction of the property. (This destruction is also because of fall of wooden almirah).

Charge 3 : That in the same transaction, which resulted in charges 1 and 2, the petitioner is guilty of missing of 5 nibs of Gemini Doctor's Brandy.

Charge 4 : That the petitioner without the initials of the Presiding Officer destroyed the Brandy bottles in C.P.R.No.82/94, which was disposed off on 29th December, 1995 and in C.P.R.84/94, which was disposed off on 21-12-95.

Charge 5 : That the petitioner had failed to produce the case properties for verification before the Addl Munsif Magistrate, Kothagudem.

Charge 6 : That the petitioner during the same transaction as mentioned in the above charges, kept cash deposited in various cases without handing over the same to the Officer, which is Rs.190 + 500 + 1499 + 230, in

four cases.

Charge 7 : That the petitioner had kept several cycles in open, 7 in number, in court premises without case property particulars on the said items and they are fully in rusted condition and therefore is guilty of misconduct and dereliction of duties."

According to the report of the enquiry officer, all the seven charges were proved against the petitioner.

The contentions raised by the petitioner to challenge the order of dismissal are that before enquiry was initiated against the petitioner, no notice was given to Sri Chinna Ramaiah, who was the previous officer and who did not handover the physical possession of property. It is also submitted that the punishment given to the petitioner was shockingly disproportionate and punishment could not be given to the petitioner for damage of case property which was not handed over to him by his predecessor. The enquiry has also been vitiated as the request for furnishing the enquiry proceedings against his predecessor were not furnished to him and if the petitioner had been guilty of destruction of the case properties, he would not have made a complaint and invite disciplinary proceedings against him.

In the counter affidavit it is stated that the petitioner took charge of the entire case property of the Court of

Munsif Magistrate, Sathupalli from Sri K.Chinna Ramaiah and the allegation that Sri K.Chinna Ramaiah has failed to hand over the charge of the case property, made by the petitioner, was not true. There was not even an iota of evidence to prove the contention of petitioner that charge had not been handed over to him by his predecessor, and according to Ex.P-7, the process of handing over and taking over the charge of case property between the petitioner and his predecessor had taken place. It is also contended that the case property in C.P.R.74/97 which led to the departmental enquiry against the petitioner was taken custody of by the petitioner from his predecessor. It is further contended that an enquiry had been ordered against Sri K.Chinna Ramaiah for non-handing over of charge of case property and in the enquiry it was proved that all the properties were handed over by Sri Chinna Ramaiah to his successor, except cycles. The High Court, while dismissing the appeal of the petitioner, observed—

> "I worked from 15-4-94 to 26-9-96 as H.C., M.M. Court, Sathupalli. All the non-valuable case properties civil and criminal in that period belongs to the M.M.Court, Sathupalli were in my possession and the property room key was with me in that period."

This was the statement made by the delinquent himself in the cross-examination as DW-1. The charges

were so grievous that in our view, the punishment given to the petitioner was not excessive.

In this view of the matter, we do not find there is any ground to interfere in the matter. The writ petition is accordingly dismissed.

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(BILAL NAZKI, J)

October 2006

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(M. VENKATESWARA REDDY, J)

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